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**August 20, 2021**

Via ECF and Email: [ALCarterNYSDChambers@nysd.uscourts.gov](mailto:ALCarterNYSDChambers@nysd.uscourts.gov)  
Hon. Andrew L. Carter, Jr., U.S.D.J. United States District  
Court Southern District of New York  
40 Foley Square, Room 435  
New York, New York 10007

MEMO ENDORSED

**Re: David Heard v. Statue Cruises, 2016 CV 01079 (ALC)(BCM)**  
**Joint Status Letter Regarding Case Status**

Dear Judge Carter:


On March 18, 2020, the Honorable Barbara Moses, U.S.M.J., issued a Decision and Order directing the parties in this action to submit a joint letter to you, no later than April 1, 2020, proposing a schedule for the filing of pre-motion letters regarding summary judgment and/or a joint pretrial order in accordance with your Individual Practices §§ 2(A), 4(A). Thereafter Your Honor granted an extension of time for the parties to propose a schedule to the Court for pre-motion letters due to the COVID-19 pandemic. In accordance with your Order of August 16, 2021, the parties respectfully submit this status letter.

Discovery has closed. Statue Cruises intends to file a motion for summary judgment and is prepared to submit a pre-motion letter in accordance with Section §2A of Your Honor's Individual Practice Rules. Plaintiff intends to evaluate that pre-motion letter to determine whether to make a cross-motion for summary judgment, and will file his responsive letter in accordance with Your Honor's rules. The parties have been engaged in settlement discussions, and are continuing to attempt to resolve the case, and therefore respectfully request that the Court set September 30, 2021 as the deadline for Defendant to file its pre-motion letter to allow the parties to continue those discussions. The undersigned counsel are available for a conference with the Court if needed.

Respectfully submitted,

/s/Jennifer M. Schmalz  
Ellenoff, Grossman & Schole, LLP  
Counsel for Defendant Statue Cruises

/s/Marc Litt  
Wachtel Missry LLP  
Counsel to Plaintiff David Heard

SO ORDERED:  
  
HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE